

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TENNESSEE  
KNOXVILLE DIVISION**

-----X	X	
	:	
LEWIS COSBY, KENNETH R. MARTIN, as	:	No. 3:16-cv-00121-TAV-DCP
beneficiary of the Kenneth Ray Martin Roth IRA,	:	
and MARTIN WEAKLEY on behalf of themselves	:	
and all others similarly situated,	:	
	:	
Plaintiffs,	:	
	:	
v.	:	
	:	
KPMG, LLP,	:	
	:	
Defendant.	:	
-----X	X	

**KPMG LLP's MOTION TO STAY ALL PROCEEDINGS PENDING A DECISION ON  
ITS PARTIAL MOTION TO DISMISS THE THIRD AMENDED COMPLAINT**

KPMG, LLP ("KPMG") moves the Court, pursuant to the Private Securities Litigation Reform Act (the "PSLRA"), to stay all proceedings pending a decision on its partial motion to dismiss the Third Amended Class Action Complaint dated July 13, 2020 (the "Motion to Dismiss").

On July 13, 2020, Plaintiffs filed their Third Amended Complaint in which, among other changes, they added two new plaintiffs, removed two plaintiffs, and made significant changes to the Section 11 claim and allegations. (ECF No. 174.) Pursuant to Federal Rule of Civil Procedure 15(a)(3), KPMG filed its Motion to Dismiss (ECF No. 180), and the accompanying memorandum of law (ECF No. 181), on July 27, 2020. Under Local Rule 7.1, Plaintiffs' opposition to the Motion to Dismiss is due on August 17, 2020.

Pursuant to the PSLRA, which provides that "all discovery and other proceedings shall be stayed during the pendency of any motion to dismiss," (15 U.S.C. § 78u-4(b)(3)(B) (emphasis

added)), the filing of the Motion to Dismiss on July 27, 2020 automatically stayed all discovery and other proceedings in this litigation. As required by the statute, this Court should recognize that all proceedings—including discovery, the pending class certification motion, and the pending objections to and appeals from the Magistrate Judge’s rulings—are stayed until the Court rules on the Motion to Dismiss.

KPMG further relies on its Memorandum of Law filed contemporaneously herewith.

KPMG requests that the Court grant its motion to stay all proceedings pending a decision on its Motion to Dismiss.

Dated: July 31, 2020

Respectfully submitted,

/s/ Gregory G. Ballard

MCDERMOTT WILL & EMERY LLP

Gregory G. Ballard (admitted *pro hac vice*)

Ludwig von Rigal (admitted *pro hac vice*)

340 Madison Avenue

New York, New York 10173

Telephone: 212-547-5330

Email: gballard@mwe.com

Email: lvonrigal@mwe.com

Allyson E. Riemma (admitted *pro hac vice*)

444 West Lake Street

Chicago, IL 60606

Telephone: 312-372-2000

Email: ariemma@mwe.com

WALLER LANSDEN DORTCH & DAVIS, LLP

Paul S. Davidson (TN BPR # 011789)

511 Union Street, Suite 2700

Nashville, TN 37219

Telephone: 615-244-6380

Email: paul.davidson@wallerlaw.com

LEWIS ROCA ROTHGERBER CHRISTIE LLP

Gary F. Bendinger (admitted *pro hac vice*)

201 East Washington Street, Suite 1200

Phoenix, AZ 85004  
Telephone: 602-262-5353  
Email: gbendinger@lrrc.com

*Counsel for Defendant KPMG LLP*

**CERTIFICATE OF SERVICE**

I hereby certify that on July 31, 2020, a copy of the foregoing was filed electronically and served via the Court's CM/ECF system on the following:

Laura H. Posner, Esq.  
COHEN MILSTEIN SELLERS & TOLL PLLC  
88 Pine Street, 14th Floor  
New York, New York 10005

Steven J. Toll, Esq.  
COHEN MILSTEIN SELLERS & TOLL PLLC  
1100 New York Avenue, N.W., Suite 500  
Washington, D.C. 20005

Gordon Ball, Esq.  
GORDON BALL PLLC  
550 W. Main Street, Suite 600  
Knoxville, Tennessee 37902

*Attorneys for Plaintiffs*

/s/ Gregory G. Ballard